

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MARILYN AGEE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:18-CV-116-WKW
)	
DEPARTMENT OF THE ARMY,)	
and MARK T. ESPER, Secretary)	
of the Army,)	
)	
Defendants.)	

MARILYN AGEE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:18-CV-473-WKW
)	
DEPARTMENT OF THE ARMY,)	
and MARK T. ESPER, Secretary)	
of the Army,)	
)	
Defendants.)	

ORDER

On November 20, 2018, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 44.) Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that the Recommendation (Doc. # 44) is ADOPTED and that this case is DISMISSED without prejudice.

Additionally, Plaintiff responded to Defendants' Motion to Dismiss by filing a document she titled Motion Not to Dismiss Case (Doc. # 41). Defendants' motion was filed pursuant to Rules (12)(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, but there is no procedural rule that allows a motion not to dismiss the case. Instead, this purported motion is properly construed as a response to Defendants' motion. The Clerk of the Court is DIRECTED to construe Plaintiff's purported motion (Doc. # 41) as a response to Defendants' Motion to Dismiss (Doc. # 38).

A separate final judgment will be entered.

DONE this 17th day of December, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE